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**INSTRUCTIONS:** Sign and submit the original and one copy of this Agreement to your FNS regional office. You must have original signatures on both copies of the agreement and the following attachments, which become part of this Agreement: Certification Regarding the Drug-Free Workplace Requirements (Form AD-1049); Certification Regarding Lobbying; and Disclosure of Lobbying Activities (Form SF-LLL).

## FEDERAL-STATE AGREEMENT CHILD NUTRITION AND FOOD DISTRIBUTION PROGRAMS FOOD AND NUTRITION SERVICE U.S. DEPARTMENT OF AGRICULTURE

**1. What is the purpose of this agreement?**

This agreement sets out the requirements for administering the Child Nutrition Programs and the Food Distribution Programs.

**2. Who are the parties to this agreement?**

The Food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA), \_\_\_\_\_  
(State agency). In consideration of the funds and commodities provided by FNS to the State agency and the services provided by the State agency, the parties agree to the provisions of this agreement.

**3. What programs does this agreement cover?**

This agreement covers the programs noted with an "x" in the chart below. If the State agency decides to discontinue or begin administration of any of these programs after signing this agreement, the State agency must provide FNS advance written notice, including the proposed effective date of the change. Upon approval of the request, FNS will enter into a new agreement or amend this agreement.

	National School Lunch Program	School Breakfast Program	Special Milk Program	Commodity School Program	Child and Adult Care Food Program	Summer Food Service Program	Nutrition Education Training	Food Distribution Programs
Public schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public residential child care institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private residential child care institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nonresidential child care institutions			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Nonresidential adult care institutions					<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Service institutions (including camps)			<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charitable institutions								<input type="checkbox"/>
Disasters and situations of distress								<input type="checkbox"/>
CSFP								<input type="checkbox"/>
FDPIR and FDPI in Oklahoma								<input type="checkbox"/>
Nonprofit summer camps			<input type="checkbox"/>					<input type="checkbox"/>
TEFAP								<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**4. What are the definitions for the terms used in this agreement?**

The terms in this agreement have the same meaning as they are defined in the program statutes, program regulations, and the glossary in Appendix A to this agreement.

**5. What is the authority for this agreement?**

This agreement is authorized by the program statutes listed in Appendix A to this agreement.

**6. What is the duration of this agreement?**

This agreement is effective for the Federal Fiscal Year from October 1, \_\_\_\_\_ to September 30, \_\_\_\_\_. This agreement may be extended by FNS. The extension will be in the form of the annual grant award document announcing the grant amounts for each program for each Federal Fiscal Year.

**7. How may this agreement be terminated?**

This agreement may be terminated in accordance with the program statutes, program regulations, and 7 CFR Parts 3015.124, 3016.43 and 3016.44.

**8. May this agreement be amended?**

This agreement may be amended only by FNS. However, either FNS or the State agency may propose amendments. FNS amendments are not subject to approval by the State agency. By continuing to operate the covered programs after an amendment to this agreement, the State agency agrees to comply with the amendment.

If the State agency does not wish to comply with an amendment, the State agency must seek to terminate the agreement in accordance with Section 7 of this agreement.

**9. What are the requirements for FNS?**

Subject to available appropriations, FNS will provide funds and commodities to the State agency for the programs covered by this agreement. In addition and also subject to available appropriations, FNS will provide State Administrative Expense funds and Cash-in-Lieu of Donated Foods (7 CFR Part 240) when the State agency is approved to administer a program for which those funds are available.

FNS will provide the funds and commodities in accordance with program statutes, program regulations, any FNS instructions, policy memoranda, guidance, and other written directives interpreting the program statutes and program regulations, and the other statutes and regulations cited in this agreement.

**10. What are the requirements for the State agency?**

**A. Program Statutes, Program Regulations, Instructions, Policy Memoranda, and Guidance**

The State agency will comply with the program statutes and program regulations applicable to the programs covered by this agreement. The State agency also will comply with any FNS instructions, policy memoranda, guidance, and other written directives interpreting the program statutes and program regulations applicable to those programs.

**B. Departmental Regulations on Grants and Cooperative Agreements**

The State agency will comply with the following USDA Regulations:

- i. 7 CFR Part 3015, Uniform Federal Assistance Regulations;
- ii. 7 CFR Part 3016, Uniform Administrative Requirements for Grants and Cooperative Agreements;
- iii. 7 CFR Part 3019, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and Institutions;
- iv. 7 CFR Part 3051, Audits of Institutions of Higher Education and Other Nonprofit Institutions;
- v. 7 CFR Part 3052, Audits of States, Local Governments, and Nonprofit Organizations.

**C. Debarment and Suspension**

The State agency will comply with 7 CFR Part 3017, Subparts A-E, Governmentwide Debarment and Suspension (Nonprocurement). If this agreement covers Food Distribution Programs other than food distribution related to the Child Nutrition Programs, and the State agency has signed and attached to this agreement the Certificate Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions, the SA must submit an additional Certification to FNS by October 1 of each year.

**D. Nondiscrimination and Equal Employment Opportunity**

The State agency will comply with the following nondiscrimination statutes and regulations, any other related regulations, and any FNS and USDA nondiscrimination directives:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d et seq.), USDA regulations at 7 CFR Part 15, Nondiscrimination, and Department of Justice regulations at 28 CFR Part 42, Nondiscrimination; Equal Employment Opportunity; Policies and Procedures;
- ii. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and USDA regulations at 7 CFR Part 15a, Education Programs or Activities Receiving or Benefiting from Federal Financial Assistance;
- iii. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), USDA regulations at 7 CFR Part 15b, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance, and Department of Justice regulations at 28 CFR Part 41, Implementation of Executive Order 12250, Nondiscrimination On The Basis of Handicap In Federally Assisted Programs; and
- iv. The Age Discrimination Act of 1975 42 (U.S.C. 6101 et seq.),

The State agency assures that it will immediately take any measures necessary to effectuate the requirements in the laws, regulations, and directives. The State agency gives this assurance in consideration of and for the purpose of obtaining the funds and commodities provided under this agreement.

**E. Lobbying**

The State agency will comply with the 7 CFR Part 3018, New Restrictions on Lobbying and has signed and attached to this agreement the Certificate Regarding Lobbying and, if applicable, the Disclosure of Lobbying Activities (Forms SF-LLL) and annually will sign and submit a certificate, if applicable, Form SF-LLL to FNS.

**F. Drug-Free Workplace**

The State agency will comply with 7 CFR Part 3017, Subpart F, Drug-Free Workplace and will maintain a drug-free workplace in accordance with (check one):

- The current annual single State or State agency drug-free workplace certification statement that is on file with USDA.
- The Certification Regarding the Drug-Free Workplace Requirements (Form AD-1049) that the State agency has signed and attached to this agreement.

**11. How do changed or new statutes, regulations, instructions, policy memoranda, and guidance affect this agreement?**

By continuing to operate the covered programs after the enactment or issuance of any changed or new statutes or regulations applicable to the programs covered by this agreement and any changed or new instructions, policy memoranda, guidance, and other written directives interpreting these statutes or regulations, the State agency agrees to comply with them.

If the State agency does not wish to comply with any changes or new items, the State agency must seek to terminate the agreement in accordance with Section 7 of this Agreement.

**12. Signatures**

STATE AGENCY	USDA
By (Signature)	By (Signature)
TITLE	TITLE
DATE	DATE

## Appendix A -- Glossary

**"Child Nutrition Programs"** means:

National School Lunch Program (NSLP)  
Special Milk Program for Children (SMP)  
School Breakfast Program (SBP)  
Commodity School Program  
Summer Food Service Program (SFSP)  
Child and Adult Care Food Program (CACFP)  
Nutrition Education and Training Program (NET)  
State Administrative Expense Funds (SAE)

**"Food Distribution Programs"** means:

The commodity donation portion of the Child Nutrition Programs  
Commodity assistance for charitable institutions  
Commodity Supplemental Food Program (CSFP)  
Commodity assistance for disasters and situations of distress  
Food Distribution Program for households on Indian reservations (FDPIR)  
Food Distribution Program for Indian households (FDPI) in Oklahoma  
Commodity assistance for nonprofit summer camps  
The Emergency Food Assistance Program (TEFAP)

**"Program Statutes"** means:

### for the Child Nutrition Programs

Richard B. Russell, National School Lunch Act (42 U.S.C. 1751-69h)  
Child Nutrition Act of 1966 (42 U.S.C. 1771-91)

### for the Food Distribution Programs

#### general and charitable institutions

Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note)  
Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c)  
Section 416(a) of the Agricultural Act of 1949 (7 U.S.C. 1431(a))

#### CSFP

Sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note)

#### Disasters and Situations of Distress

Section 412 and 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179-80)  
Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note)

#### FDPIR

Section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b))  
Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note)

#### FDPI for Oklahoma

Section 1336 of the Food Stamp and Commodity Distribution Amendments of 1981

#### Nonprofit Summer Camps for Children

Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note)

#### TEFAP

Emergency Food Assistance Act of 1983 (7 U.S.C. 7501-16)

**"Program Regulations"** means the regulations noted below :

- 7 CFR Part 210 National School Lunch Program
- Part 215 Special Milk Program for Children
- Part 220 School Breakfast Program
- Part 225 Summer Food Service Program
- Part 226 Child and Adult Care Food Program
- Part 227 Nutrition Education and Training Program
- Part 235 State Administrative Expense funds
- Part 240 Cash in Lieu of donated foods
- Part 245 Determining eligibility for free and reduced price meals and free milk in schools
- Part 247 Commodity Supplemental Food Program
- Part 250 Donation of foods for use in the United States, its territories and possessions and areas under its jurisdiction
- Part 251 The Emergency Food Assistance Program
- Part 253 Administration of the Food Distribution Program for households on Indian reservations
- Part 254 Administration of the Food Distribution Program for Indian households in Oklahoma